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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,864	01/16/2004	Mark Hansen	3244.002	8422

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EXAMINER

BARFIELD, ANTHONY DERRELL

ART UNIT PAPER NUMBER

3636

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,864

Applicant(s)

HANSEN, MARK

Examiner

Anthony D. Barfield

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Huang. Huang shows a frame (10); a support member attached to the frame for defining a seat portion (11), a transition portion and a back portion (12), the frame selectively movable between a collapsed position and an operative position, in the operative position a portion of the frame supporting the back portion of the support member is substantially vertically disposed and extends upward to the back portion of the support member; an umbrella (21), a shaft of the umbrella having a distal end portion; and a pivot assembly (30) for detachably connecting the distal end portion of the shaft of the umbrella to an upper of an elongated member (32) such that the umbrella can be selectively disposed in predetermined positions relative to the frame of the chair assembly. The elongated member (32) may inherently be mounted on an upright of the frame since the pivot assembly allows the umbrella to pivot around (360 degrees). Huang further shows the use of a first locking member (33) having a plurality of teeth (324) connected to an upwardly extending end of the elongated member (32) and the use of a second locking member (34) having teeth (342) therewith to mesh with the teeth of the first locking member. The second locking member is located on a tubular extension which receives the distal end of the umbrella.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Iglesias. Huang shows the frame including left and right armrests (Fig. 1) formed a plurality of legs extending at angle to form an arm support. Huang further shows the back support (12) having left and right upright members, whereby the elongated member may inherently be attached thereto. Huang shows all of the teachings of the claimed invention except the use of a plurality of shoes, each connected to a distal end of a respective leg to provide stability. Iglesias shows the use of a plurality of shoes (50, 52, 91), each connected to a distal end of a respective leg (63) of a chair to provide stability. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the chair of Huang with the shoes as taught by Iglesias in order to provide stability to user when the chair is on uneven surfaces.

5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view Iglesias as applied to claim 4 above, and further in view of Moceri. Huang in view of Iglesias shows all of the teachings of the claimed invention except the use of a net for covering the chair and umbrella as well as a lamp for providing light. Moceri shows the conventional use of a net (11) covering a chair and a lamp (66) to provide light to a user. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the chair as

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taught by Huang in view of Iglesias, with the net and lamp, as taught by Mocerri in order to protect the user from insects while providing light during evening use.

Response to Arguments

6. Applicant's arguments filed 7/8/05 have been fully considered but they are not persuasive. In regards to applicant's argument that the reference fails to teach the use of an "elongated member attached to an upright of the frame", the examiner is of the opinion that elongated member as taught by Huang can inherently be attached to an upright member of the frame (see above rejection). In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Iglesias and Mocerri teach the well known use of shoes and a net respectively, in order to provide a more stable support for the chair as well as protect the user from insects.

Conclusion

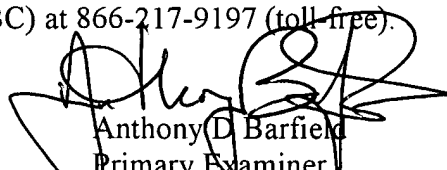
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D. Barfield whose telephone number is 571-272-6852. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).


Anthony D. Barfield
Primary Examiner
Art Unit 3636

adb
September 17, 2005